

REMARKS

This is in response to the Office Action mailed on May 6, 2004, and the references cited therewith.

No claims are amended or canceled, and claims 3-7 are added; as a result, claims 1-7 are now pending in this application.

§102 Rejection of the Claims

Claim 1 was rejected under 35 USC § 102(e) as being anticipated by Galvin (U.S. Patent No. 6,298,130). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim*.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicant respectfully submits that the Office Action did not make out a *prima facie* case of anticipation because the claims contain elements not found in the cited art.

An example of an element not found in the cited reference is found in claim 1, which recites “converting the metadata file into an object model having at least one object.” The Office Action asserts that Galvin teaches the recited element at column 9, lines 40 et seq. Applicant respectfully disagrees with this interpretation of Galvin. The cited section of Galvin states that incoming information may be converted to metadata and stored in a corporate database and further that local databases may be updated with the metadata in the corporate database. The only conversion referenced in Galvin is converting information to metadata, not converting metadata into an object model. Galvin defines metadata as “pre-analyzed data that can be compactly stored.” Galvin clarifies this, stating that “in a metadata system, for example, selected criteria pertaining to database entities are represented by a letter or number in a coded system, and the data may be stored and transmitted in a very efficient manner because of the compact manner of representation.” (see column 6, line 66 to column 7, line 4). Galvin provides

examples of such metadata, including agent status, credit rating, marital status, number of children, income level, payment reliability etc. (see column 7, line 62 to column 8, line 12). Thus the metadata in Galvin is already converted from other information that may be used to route incoming calls to an appropriate customer service agent.

This is unlike Applicant's claimed invention. Applicant's metadata comprises descriptions of objects and relationships between objects that represent components of a service processing switch. In some embodiments, the metadata comprises an ASCII representation of the components in the switch. This metadata is then converted into objects in an object model that may be loaded into a router. In Galvin, the metadata represents converted information and is not converted into another form. Thus, Galvin does not teach or disclose the use of metadata as the term is used in Applicant's specification.

Additionally, Galvin does not teach or disclose an object model. Applicant has reviewed Galvin, including performing a computerized text search, and can find no references to an object model or object model equivalent.

For the above reasons, Galvin does not teach or disclose each and every element of Applicant's claim 1. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 1.

§103 Rejection of the Claims

Claim 2 was rejected under 35 USC § 103(a) as being unpatentable over Galvin in view of Schoening et al. (U.S. Patent No. 6,226,788). In order for the Examiner to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

Claim 2 depends from claim 1, and therefore inherits the recitations of claim 1, including the recitation of converting metadata into an object model. As discussed above, Galvin does not teach or suggest such a conversion. Further, Schoening does not teach or suggest “converting the metadata file into an object model having at least one object” as inherited from claim 1. As a result, neither Galvin nor Schoening, alone or in combination, teach or suggest each and every element of Applicant’s claim 2. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claim 2.

New Claims 3-7

Claims 3-7 have been added in this response. New claims 3-7 are supported throughout the specification, and in particular at page 7, lines 14-18 and at page 8, line 31 to page 11, line 5. Applicant believes that no new matter has been introduced with new claims 3-7. New claims 3-7 depend from claim 1, which as discussed above is believed to be allowable. As a result, claims 3-7 are also believed to be allowable.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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November 8, 2004

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of November, 2004.

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Signature